

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

RYAN, LLC,

Plaintiff,

CHAMBER OF COMMERCE, *et al.*,

Plaintiff-Intervenors,

v.

FEDERAL TRADE COMMISSION,

Defendant.

CASE NO.: 3:24-CV-986

**DEFENDANT'S UNOPPOSED MOTION FOR ENLARGEMENT OF
WORD LIMIT**

On May 8, 2024, the Chamber of Commerce of the United States of America, Business Roundtable, Texas Association of Business, and Longview Chamber of Commerce (collectively, “the Association Plaintiffs”) moved to intervene in this matter. ECF No. 32. As a part of that motion, the Association Plaintiffs represented Defendant’s position on scheduling and word limitation, which was then adopted by this Court. ECF No. 33 at 9, ECF No. 34. Defendant’s position, however, when transmitted to the Association Plaintiffs via e-mail, contained a typographical error on the requested word limit for Defendant’s consolidated opposition to the Association Plaintiffs and Ryan, LLC’s (“Ryan”) motions for stay of effective date and for

preliminary injunction. As written, Defendant erroneously asked for a word limit of 4,250, which is less than the default limit of 6,250. ECF No. 33 at 9. Defendant intended to ask for an enlargement of the word limit to 10,000 given the need to respond to two motions raising distinct issues. Accordingly, Defendant respectfully requests that it be granted an enlargement of the word limit to respond to the Association Plaintiffs' and Ryan's motions. Good cause exists for this motion as follows:

1. On May 1, 2024, Ryan filed a motion for stay of effective date and preliminary injunction of the Federal Trade Commission's ("the Commission") Non-Compete Clause Rule ("the Rule"). ECF No. 23. Ryan's motion raised claims related to the Commission's statutory authority to promulgate the Rule, the non-delegation doctrine, and the constitutionality of the structure of the Commission. ECF No. 24.
2. On May 9, 2024, the Association Plaintiffs were granted permission to intervene. While they have not yet filed their motion in this case, their motion for stay of effective date and preliminary injunction previously filed in the Eastern District of Texas was based on additional claims, including claims that the Rule is arbitrary and capricious, that the Rule is contrary to Section 5 of the FTC Act, and that the Rule is unlawfully retroactive. Plaintiffs' Mot. at 29-34, *Chamber of Commerce, et al. v. FTC, et al.*, 6:24-cv-148 (E.D. Tex. Apr. 24, 2024), ECF No. 12. Defendant will need additional space to properly respond to these arguments.
3. Additionally, while Defendant believes that a consolidated response is most efficient for the parties and the Court, Defendant will need to address both the

Association Plaintiffs' and Ryan's purported harms separately in responding to their motions for emergency relief, necessitating additional space. Indeed, the Association Plaintiffs say they are "positioned to advance arguments that protect interests that are broader than, and potentially separate and distinct from, those alleged by Ryan." ECF No. 33 at 6-7.

Counsel for Defendant has conferred with counsel for the Association Plaintiffs and Ryan on this request. Both counsel for the Association Plaintiffs and Ryan confirmed that they do not oppose Defendant's request.

For the reasons stated herein, Defendant respectfully requests an enlargement of the word limit to 10,000 words for its consolidated opposition to the Association Plaintiffs and Ryan's motions, due on May 29, 2024.

Dated: May 09, 2024

Respectfully submitted,

BRIAN M. BOYNTON
Principal Deputy Assistant Attorney General

LESLEY R. FARBY
Assistant Branch Director

/s/ Rachael L. Westmoreland
RACHAEL L. WESTMORELAND (GA Bar No. 539498)
TAISA M. GOODNATURE
MADELINE M. MCMAHON
ARJUN MODY

Trial Attorneys
U.S. Department of Justice
Civil Division, Federal Programs Branch
1100 L Street, NW
Washington, D.C. 20005
Tel: (202) 514-1280
E-mail: rachael.westmoreland@usdoj.gov

CERTIFICATE OF WORD COUNT

This document complies with the Court's word count requirement because it contains 502 words.

Dated: May 09, 2024

/s/ Rachael L. Westmoreland

RACHAEL L. WESTMORELAND (GA Bar No. 539498)
Trial Attorney
U.S. Department of Justice
Civil Division, Federal Programs Branch
1100 L Street, NW
Washington, D.C. 20005
Tel: (202) 514-1280
E-mail: rachael.westmoreland@usdoj.gov

CERTIFICATE OF SERVICE

On May 09, 2024, I electronically filed the above response with the clerk of court for the U.S. District Court, Northern District of Texas. I certify that I have served all parties electronically or by another manner authorized by Federal Rule of Civil Procedure 5(b)(2).

/s/ Rachael L. Westmoreland

Rachael L. Westmoreland